UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,076	10/05/2001	Gregory A. Johnson	35006-629001US	4558

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EXAMINER
RUTTEN, JAMES D

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _15 July 2008_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _83_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _83_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This action is in response to Applicant's submission filed 7/15/08, responding to the

3/17/08 Office action which detailed the rejection of claims 80-83. Claims 80-82 have been

canceled. Claim 83 remains pending in the application and has been fully considered by the

examiner.

Response to Arguments/Amendments

2.   Since claims 80-82 have been canceled, the associated rejections have been withdrawn.

3.   Applicant's arguments, see bottom of page 4, filed 7/15/08, with respect to the rejection

of claim 83 under 35 U.S.C. § 103(a), have been fully considered and are persuasive. Therefore,

the rejection has been withdrawn. However, upon further consideration, a new ground(s) of

rejection is made in view of prior art of record U.S. Patent 6687873 to Ballantyne et al., in view

of newly cited U.S. Patent 5,999,911 to Berg et al. in view of prior art of record U.S. Patent

6,018,732 to Bertrand et al. in view of prior art of record U.S. Patent 6,157,940 to Marullo et al.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   Claim 83 is rejected under 35 U.S.C. 103(a) as being unpatentable over prior art of record

U.S. Patent 6687873 to Ballantyne et al. ("Ballantyne"), in view of U.S. Patent 5,999,911 to Berg

et al. ("Berg") in view of prior art of record U.S. Patent 6,018,732 to Bertrand et al. ("Bertrand")

in view of prior art of record U.S. Patent 6,157,940 to Marullo et al. ("Marullo")

In regard to claim 83, Ballantyne discloses:

A method for developing rules using a decision engine, See at least Figs. 1 and 2

and associated text. Note that the body elements of the claim do not recite a "decision

engine." As such, the decision engine is interpreted as being the sum of the parts and are

taught by the prior art as applied below.

said method comprising:

converting model files into data with a model editor component; See Fig. 1, e.g.

modeling engine 28, mapping engine 26, modeling/mapping GUI 30, legacy program

applications 16, also see element 36 of Fig. 2 along with the associated text of the figures.

organizing said data according to hierarchical structures; See Fig. 1, context

table 22, and Fig. 2 element 44 along with the associated text of the figures.

importing said data into a designer component; See Fig. 1, legacy system 12,

writer engine 20, and associated text of the figure.

...

designing rules; generating rules, models, and strategies with graphical user

interfaces; See at least Fig. 1 element 30 and associated text in column 6 lines 63-65:

"Optionally, the modeling/mapping graphical user interface 30 allows programmers to

create or modify an XML schema." Note that in this case, rules can be interpreted as

individual lines in the schema, models can be interpreted as subschemas, and strategies

can be interpreted as the schema as a whole. See further column 2 lines 25-36.

> ...

> *modifying said rules, models, and strategies.* See column 6 lines 63-65.

Ballantyne does not expressly disclose the remaining elements of the claim.

However, these elements are taught by Berg, Bertrand and Marullo as detailed below.

Berg teaches:

> *defining projects with workflow functional components, said workflow functional*

components comprising: expression sequences, segmentation trees, and workflow lists;

> *assigning values to local fields and modifying local field values with said*

expression

sequences; See Figs. 5 and 6, also see associated text in at least column 9 lines 18-20:

"When the designer clicks on a graphic representing a step in the flow builder, the flow

builder displays a "BASIC ATTRIBUTES" dialog box as shown in FIG. 5."   The values

are saves as expression sequences in text based flow definition language as described in

column 9 lines 63-66.

> *creating project workflow with said segmentation trees;* See Fig. 4; also see the

associated text in at least column 9 lines 8-11, e.g. "To create a step, the designer can

select one of the step icons, which include a task step 104, an activity step 106, a decision

step 108, and a subflow step 110." Designers create workflow by using the

"segmentation trees" shown in Fig. 4.

identifying a set of steps that are processed during runtime execution with said

workflow lists; See at least column 16 lines 29-34, e.g. "When a user elects to open the

"flowname.flow" workflow file, the workflow manager displays the flow setting steps to

the states mandated by their dependencies. After opening the workflow file, the user(s)

can begin to perform work with the workflow."

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to use Berg's teaching of workflow with Ballantyne's model editors

in order to utilize improved methods for managing complex design processes as

suggested by Berg (see at least column 2 lines 24-26).

Bertrand teaches:

producing a predictive score at runtime for a given transaction with said models;

See Abstract, also see Fig. 2 and associated text.

It would have been obvious to one of ordinary skill in the pertinent art at the time

the invention was made to incorporate the teaching of Bertrand into that of Ballantyne in

order to obtain runtime test service comprising a wrapper for a the control panel and for

an Excel testing program. And the motivation for doing so would have been that the

usage of Excel spreadsheets in the test service/program enables business

logic/rules/functions to be collected, and simulated for testing purpose. Furthermore,

Excel can be configured to enforce data constraints and perform numerical calculations
on data stored therein.

Marullo teaches:

*testing said rules by tracking statistics on which rules, models, and strategies
were used and how many times; and* See Fig. 9A, elements 116 and 118, also see
associated text and column 2 line 65-col. 3 line 6.

It would have been obvious to one of ordinary skill in the pertinent art at the time
the invention was made to incorporate the teaching of Marullo into that of Ballantyne in
order to include the steps of stress testing rules/models as disclosed by Marullo which
would produce the expected result with reasonable success. And the motivation for doing
so would have been that the automation of stress testing business/web-server applications
(i.e., project design), verification/validation of rules/models, and report generation
ensures that all possibilities of data input/output and all permutations and combinations of
transactions/APIs and business logic/rules associated therewith have been exhaustively
traversed, and tested for correctness and reported in a consistent, and efficient manner [in
comparison to manual testing/traversing of links in web applications which yields
unreliable test results not mirroring what is to be expected in the actual environment in
which the web server applications would be used].

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES RUTTEN whose telephone number is (571)272-3703. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571)272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. Derek Rutten/
Examiner, Art Unit 2192